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**FEDERAL TRADE COMMISSION**  
**Agency Information Collection Activities;**  
**Proposed Collection; Comment Request; Extension**

**AGENCY:** Federal Trade Commission (“Commission” or “FTC”).

**ACTION:** Notice.

**SUMMARY:** The information collection requirements described below will be submitted to the Office of Management and Budget (“OMB”) for review, as required by the Paperwork Reduction Act (“PRA”). The FTC seeks public comments on its proposal to extend through April 30, 2016 the current PRA clearance for information collection requirements contained in its Alternative Fuels Rule. That clearance expires on April 30, 2013.

**DATES:** Comments must be submitted on or before [insert date 60 days from FEDERAL REGISTER date of publication].

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Paperwork Comment: FTC File No. P134200” on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/altfuelspra> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements for the Alternative Fuels Rule should be addressed to Hampton Newsome, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room M-8102B, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 326-2889.

**SUPPLEMENTARY INFORMATION:** Under the PRA, 44 U.S.C. 3501-3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. “Collection of information” means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the Alternative Fuels Rule, 16 CFR Part 309 (OMB Control Number 3084-0094).

The Rule, which implements the Energy Policy Act of 1992, Pub. L. 102– 486, requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels and on labels on Alternative Fueled Vehicles (AFVs). To ensure the accuracy of these disclosures, the Rule also requires that sellers maintain records substantiating product-specific disclosures they include on these labels.

It is common practice for alternative fuel industry members to determine and monitor fuel ratings in the normal course of their business activities. This is because industry members must know and determine the fuel ratings of their products in order to monitor quality and to decide how to market them. “Burden” for PRA purposes is defined to exclude effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.2(b)(2). Moreover, as originally anticipated when the Rule was promulgated in 1995, many of the information collection requirements and the originally-estimated hours were associated with one-time start up tasks of implementing standard systems and processes.

Other factors also limit the burden associated with the Rule. Certification may be a one-time event or require only infrequent revision. Disclosures on electric vehicle fuel dispensing systems may be useable for several years. Nonetheless, there is still some burden associated with posting labels. There also will be some minimal burden associated with new or revised certification of fuel ratings and recordkeeping. The burden on vehicle manufacturers is limited because only newly-manufactured vehicles will require label posting and manufacturers produce very few new models each year.

## **I. Annual Hours Burden**

Estimated total annual hours burden: 52,272 total burden hours

### **A. Non-liquid alternative fuels**

*Certification:* Staff estimates that the Rule's fuel rating certification requirements will affect approximately 550 industry members (compressed natural gas producers and distributors and manufacturers of electric vehicle fuel dispensing systems) and consume approximately one hour each per year for a total of 550 hours.

*Recordkeeping:* Staff estimates that all 5,900 industry members (non-liquid fuel producers, distributors, and retailers) will be subject to the Rule's recordkeeping requirements (associated with fuel rating certification) and that compliance will require approximately one-tenth hour each per year for a total of 590 hours.

*Labeling:* Staff estimates that labeling requirements will affect approximately nine of every ten industry members (or roughly 5,300 members out of 5,900), but that the number of annually affected members is approximately 1,100 because labels may remain effective for several years (staff assumes that in any given year approximately 20% of 5,300 industry

members will need to replace their labels). Staff estimates that industry members require approximately one hour each per year for labeling their fuel dispensers for a total of 1,100 hours.

Sub-total: 2,240 hours (550 + 590 +1,100)

#### B. AFV manufacturers

*Recordkeeping:* Staff estimates that a total of 13 manufacturers will require 30 minutes to comply with the Rule's recordkeeping requirements for a total of 7 hours, rounded.

*Producing labels:* Staff estimates 2.5 hours as the average time required of manufacturers to produce labels for each of the 10 new AFV models introduced industry-wide each year for a total of 25 hours.

*Posting labels:* Staff estimates 2 minutes as the average time to comply with the posting requirements for each of the approximately 1,500,000 new AFVs manufactured each year for a total of 50,000 hours.

Sub-total: 50,032 hours (7 + 25 + 50,000)

Thus, the total burden for these industries combined is approximately 52,272 hours (2,240 + 50,032).

## II. Labor Costs

Estimated total labor costs: \$1,090,918

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. According to Bureau of Labor Statistics data for 2011 (most recent available whole-year information),<sup>1</sup> the average compensation for fuel system operators is \$28.99 per

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<sup>1</sup> The wage estimates in this Notice are based on mean hourly wages found at [http://www.bls.gov/news.release/archives/ocwage\\_03272012.pdf](http://www.bls.gov/news.release/archives/ocwage_03272012.pdf) ("Occupational Employment and Wages–May 2011," U.S. Department of Labor, released March 2012, Table 1 ("National

hour; \$10.33 per hour for automotive service attendants; and \$20.69 per hour for transportation equipment painters.

#### A. Non-liquid alternative fuels

*Certification and labeling:* Generally, all of the estimated hours except for recordkeeping will be performed by fuel system operators, i.e., producers and distributors of fuels. Thus, the associated labor costs would be \$47,833.  $[(550 \text{ certification hours} + 1,100 \text{ labeling hours}) \times \$28.99]$

*Recordkeeping:* Only 1/6 of the total recordkeeping hours will be performed by fuel system operators (1/6 of 590 hours = approximately 98 hours;  $98 \text{ hours} \times \$28.99 = \$2,841$ ); the other 5/6 is attributable to service station employees (5/6 of 590 hours = approximately 492 hours;  $492 \text{ hours} \times \$10.33 = \$5,082$ ). Thus, the labor cost due to recordkeeping for the entire industry is approximately \$7,923 (\$2,841 for fuel system operators + \$5,082 for service station employees).

Associated labor cost: \$55,756 (\$48,833 for certification and labeling costs + \$7,923 for recordkeeping costs).

#### B. AFV manufacturers

The maximum labor cost for the entire industry is approximately \$1,035,162 per year for recordkeeping and producing and posting labels (50,032 total hours  $\times$  \$20.69 per hour).

Thus, the estimated total labor cost for both industries for all collection of information requirements is \$1,090,918 (\$55,756 + \$1,035,162) per year.

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employment and wage data from the Occupational Employment Statistics survey by occupation, May 2011”).

### **III. Non-Labor Cost Burden**

Estimated annual non-labor cost burden: \$577,153.

#### **A. Non-liquid alternative fuels**

Staff believes that there are no current start-up costs associated with the Rule, inasmuch as the Rule has been in effect since 1995. Industry members, therefore, have in place the capital equipment and means necessary to determine automotive fuel ratings and comply with the Rule. Industry members, however, incur the cost of procuring fuel dispenser and AFV labels to comply with the Rule. The estimated annual fuel labeling cost, based on estimates of approximately 2,140 fuel dispensers (assumptions: an estimated 20% of 5,350 total fuel retailers need to replace labels in any given year with an approximate five-year life for labels—i.e., 1,070 retailers—multiplied by an average of two dispensers per retailer) at thirty-eight cents for each label (per industry sources), is \$813 ( $\$0.38 \times 2,140$ ).

#### **B. AFV manufacturers**

Here, too, staff believes that there are no current start-up costs associated with the Rule, for the same reasons as stated immediately above regarding the nonliquid alternative fuel industry. However, based on the labeling of an estimated 1,493,000 new and used AFVs each year at thirty-eight cents for each label (per industry sources), the annual AFV labeling cost is estimated to be \$567,340 ( $\$0.38 \times 1,493,000$ ).

Thus, the estimated total annual non-labor cost burden associated with the Rule is \$577,153 ( $\$813 + \$576,340$ ).

### **IV. Request for Comment**

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before [insert date 60 days from FEDERAL REGISTER date of publication]. Write “Paperwork Comment: FTC File No. P134200” on your comment. Your comment – including your name and your state – will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Website, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals’ home contact information from comments before placing them on the Commission Website.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn’t include any sensitive personal information, like anyone’s Social Security number, date of birth, driver’s license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn’t include any sensitive health information, like medical records or other individually identifiable health information. In addition, don’t include any “[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential . . . ,” as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/altfuelspra>, by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov/#!home>, you also may file a comment through that website.

If you file your comment on paper, write “Paperwork Comment: FTC File No. P134200” on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex J), 600 Pennsylvania Avenue, NW, Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Website at <http://www.ftc.gov> to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before [insert date 60 days from FEDERAL REGISTER date of publication]. You can find more information, including routine uses permitted by the Privacy Act, in the Commission’s privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

The FTC invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and



assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

David C. Shonka  
Acting General Counsel.

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